IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Crl. Misc. No. 55430-M of 2006

DATE OF DECISION : 22.12.2006

Makhan Singh and another

.... PETITIONERS

Versus

State of Punjab and others

..... RESPONDENTS

CORAM :- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL

Present: Mr. S.S. Majithia, Advocate, for the petitioners.

Mr. N.S. Gill, AAG, Punjab.

Mr. K.S. Rekhi, Advocate,
for respondents No.2 and 3.

* * *

The petitioners have filed this petition under Section 482 of the Code of Criminal Procedure for quashing of case FIR No. 143 dated 12.6.2002 under Sections 406/498-A/506 IPC, registered at Police Station Chheharta, District Amritsar, on the basis of compromise.

In pursuance of the notice issued by this Court, respondent No.2 has appeared and has filed her affidavit in Court today. The same is taken on record. Respondent No.2 has made the following statement :-

> "My marriage was solemnized with Makhan Singh on 14.12.1999. Due to the harassment caused by my husband and his other family members, I was compelled to lodge FIR No. 143 dated 12.6.2002 under Sections 406/498-A/506 IPC at Police Station Chheharta, District Amritsar. During the pendency of the said case, with the intervention of the family

members and other relatives, the matter was compromised and as per the compromise, petition for dissolution of marriage by mutual consent under Section 13-B of the Hindu Marriage Act was filed and mutual divorce has been granted vide judgment and decree dated 26.8.2006. As per the compromise, I have received the amount and will keep minor child with me and nothing is due against the petitioner-Makhan Singh. I have no objection if the aforesaid FIR and subsequent proceedings be quashed."

The aforesaid statement of respondent No.2 has been counter-signed by her counsel.

I have heard the arguments of learned counsel for the parties.

Keeping in view the aforesaid statement made by respondent No.2 and the settlement arrived at between the parties, I am of the opinion that since the parties have compromised the matter and the marriage between petitioner No.1 and respondent No.2 has already been dissolved, therefore, no useful purpose will be served by continuing with the criminal proceedings in the instant FIR. I am satisfied that the settlement arrived at between the parties is bonafide. Therefore, in view of the aforesaid statement of respondent No.2, the fact that the parties have compromised the matter and the law laid down by the Supreme Court in ***B.S. Joshi and others*** vs. ***State of Haryana and another,*** JT 2003 (3) SC 277, FIR No. 143 dated 12.6.2002 under Sections 406/498-A/506 IPC, registered at Police Station Chheharta, District Amritsar and all the proceedings arising therefrom are quashed.

Petition is accordingly allowed.

December 22, 2006 **(SATISH KUMAR MITTAL)**
ndj **JUDGE**